IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1889 OF 2005
IN
CRIMINAL APPEAL NO.516 OF 2001

Ashok Durgashankar Awasthi ...Applicant.

V/s

The State of Maharashtra ...Respondent.

Mr. M.L. Patil for the applicant.
Mr. S.R. Shinde, APP for the State.
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CORAM: V.M.KANADE,J.
DATE: 23rd March 2005

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for extension of temporary bail granted by this Court by order dated 3/11/2004 and also the applicant is seeking bail on merits of the case.

3. Applicant is convicted for an offence punishable under section 489(b) and 120 B of the Indian Penal Code and he is sentenced to suffer R.I. for 10 years. It is submitted that the applicant has already undergone over five and half years sentence and the appeal is not likely to be heard in the near future. It is submitted that the Apex Court in the case of

Shailendra Kumar Vs. State of Delhi reported in (2000) 4 SCC 178 has observed that if the appeal is not likely to be heard in the near future, the accused is entitled to be released on bail. The learned Counsel submitted that a similar view has been taken by this Court. He has also relied upon the judgment of A.S. Aguiar, J. dated 10/12/2003 in Criminal Application No. 4743 of 2003 in Criminal Appeal No. 80 of 2003. It is submitted that the applicant has a good case on merits. He has also relied upon the judgments which are referred to by A.S. Aguiar, J. in his order in support of his submissions.

4. I am unable to accept the submissions made by the learned Counsel for the applicant. The application for bail which was preferred by the applicant has been rejected on earlier occasions by order dated 26/2/2002 and 3/12/2002. The applicant was granted temporary bail for a period of four months to attend the wedding of his nephew which was scheduled on 22/11/2004 and, thereafter, time was given to him to fix marriage of his daughter. The submission of the learned Counsel that the said time should be extended cannot be accepted. Criminal Application No.1889 of 2005 is accordingly rejected. However, in the facts and circumstances of the case, hearing of the appeal is

expedited. Appellant is permitted to prepare a private paper book and as soon as the private paper book is ready, he can apply for fixed date of hearing.

V.M. KANADE, J.